

**5709. Adulteration and misbranding of water. U. S. \* \* \* v. 50 Cases of Water. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 7883. I. S. No. 12043-m. S. No. C-586.)

On November 28, 1916, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases of water, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped on September 23, 1916, by the Crazy Well Water Co., Mineral Wells, Tex., and transported from the State of Texas into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Natural Gibson Well Water."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of filthy, decomposed, and putrid animal and vegetable substances, and, further, that it contained an excessive number of bacteria, including *B. coli*.

Misbranding of the article was alleged in substance for the reason that it was food in package form, and the quantity of the contents of the packages was not stated on the outside thereof in terms of weight, measure, or numerical count.

On December 23, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

**C. F. MARVIN, *Acting Secretary of Agriculture.***